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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 ESAU DOZIER,

11 Petitioner,

12 vs.

13 NEVADA, STATE OF, *et al.*,

14 Respondents.
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Case No. 3:15-cv-00043-RCJ-WGC

ORDER

16 This is a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 in which petitioner, a
17 state prisoner, is proceeding *pro se*. Petitioner has paid the filing fee (*see* ECF #4).

18 Petitioner has also filed a motion for appointment of counsel (ECF #6). There is no
19 constitutional right to appointed counsel for a federal habeas corpus proceeding. *Pennsylvania v.*
20 *Finley*, 481 U.S. 551, 555 (1987); *Bonin v. Vasquez*, 999 F.2d 425, 428 (9th Cir. 1993). The decision
21 to appoint counsel is generally discretionary. *Chaney v. Lewis*, 801 F.2d 1191, 1196 (9th Cir. 1986),
22 *cert. denied*, 481 U.S. 1023 (1987); *Bashor v. Risley*, 730 F.2d 1228, 1234 (9th Cir.), *cert. denied*, 469
23 U.S. 838 (1984). However, counsel must be appointed if the complexities of the case are such that
24 denial of counsel would amount to a denial of due process, and where the petitioner is a person of such
25 limited education as to be incapable of fairly presenting his claims. *See Chaney*, 801 F.2d at 1196; *see*
26 *also Hawkins v. Bennett*, 423 F.2d 948 (8th Cir. 1970). Here, it appears that the claims may be
27 somewhat complex, and the petition raises on its face questions regarding timeliness and exhaustion
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1 of state remedies. Moreover, petitioner is serving four consecutive sentences of 72 months to 180
2 months. Therefore, counsel shall be appointed to represent petitioner.

3 **IT IS THEREFORE ORDERED** that the clerk **DETACH** and **FILE** the petition (ECF #1-1.)

4 **IT IS FURTHER ORDERED** that petitioner's motion for appointment of counsel (ECF #6)
5 is **GRANTED**.

6 **IT IS FURTHER ORDERED** that the Federal Public Defender for the District of Nevada
7 ("FPD") is appointed to represent petitioner.

8 **IT IS FURTHER ORDERED** that the Clerk shall **ELECTRONICALLY SERVE** the FPD
9 a copy of this order, together with a copy of the petition for writ of habeas corpus (ECF #1-1). The FPD
10 shall have thirty (30) days from the date of entry of this order to file a notice of appearance or to indicate
11 to the court its inability to represent petitioner in these proceedings.

12 **IT IS FURTHER ORDERED** that, after counsel has appeared for petitioner in this case, the
13 court will issue a scheduling order, which will, among other things, set a deadline for the filing of a first
14 amended petition.

15 **IT IS FURTHER ORDERED** that petitioner's motion for evidentiary hearing (ECF #5) is
16 **DENIED** without prejudice as premature.

17 Dated this 27th day of April, 2015.

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21 UNITED STATES DISTRICT JUDGE
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